

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35717 of 2024

Arising Out of PS. Case No.-606 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Abhay Kumar Singh, Son of Harindra Singh @ Harendra Singh, Resident of
Village - Barwa Kachhariya Tola, P.S. - Ghorasahan, District - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending
his arrest in connection with Excise P.S. Case No. 606 of 2020
registered for the alleged offence under Section 30(a) of the
Bihar Prohibition and Excise Act.

03. As per prosecution case, on the basis of secret
information about the petitioner and co-accused running *bhathi*
of illicit liquor. A raid was conducted and two such
manufacturing units were destroyed with 1200 litres of raw
materials. Further recovery of 8 litres of country made *chulai*
liquor was made from the spot. Petitioner is stated to be fled
away on seeing the police party.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner who has been made accused in this case on the basis of the statement of villagers. However, petitioner was not seen on the said place from where recovery has been made and has no concern with the seized liquor or the implements. The place of recovery is an open place accessible to all. There is no specific allegation against the petitioner and no cogent material has come up against him and the petitioner has been implicated in this case merely on suspicion, The petitioner has no criminal antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned A.P.P. submits that the petitioner was found running illicit country made liquor *bhathi*.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering remoteness of allegation against the petitioner coupled with his clean antecedent, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand



Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-2, Motihari, East Champaran/concerned court in connection with Excise P.S. Case No. 606 of 2020 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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